

LONE STAR LAND LLP

**OUTLINE APPLICATION FOR THE ERECTION OF UP TO 71 DWELLINGS WITH ASSOCIATED ACCESS AND INFRASTRUCTURE ON LAND OFF BURGESS LANE, WIVELISCOMBE**

Grid Reference: 308385.128108

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to the applicant entering into a Section 106 agreement to secure the following:

- (a) Affordable Housing – Provision of 25% of the dwellings for affordable housing, of which 60% social rent; 40% intermediate.
- (b) Education – Payment of £184,690 to expand pupil capacity at Kingsmead School. Payment of £171,598 to expand pupil capacity at Wiveliscombe Primary School. Contributions should be given pro-rata per dwelling in the event that a different final number of dwellings is proposed.
- (c) Children’s play – provision of additional equipment on adjoining permitted children’s play area and laying out of the area previously shown for allotment provision as public open space.
- (d) Provision of 1850 sq.m allotments on land to the northeast of the site, including access and parking facilities.
- (e) Payment of £1,118 per dwelling towards improving community hall facilities in Wiveliscombe.
- (f) Payment of £1,454 towards improving active outdoor recreation contributions in Wiveliscombe.
- (g) Travel Plan – Implementation of an agreed (pre-completion of the agreement) travel plan, if a suitable condition cannot be agreed.

The proposed development would provide additional housing in Wiveliscombe, which has been identified for the development of up to 200 additional dwellings in Policy SP1 (Sustainable Development Locations) of the Taunton Deane Core Strategy. Subject to the proposed highway works, the development would not adversely impact upon the highway network nor wildlife interests. The information submitted indicates that a development can be provided that integrates well into the local area, and respects the existing townscape and landscape setting of the site. It would provide acceptable mitigation for the impact on community infrastructure facilities and would provide adequate recreation and children's play facilities for the future residents of the site. It therefore, accords with Policies CP6 (Transport and Accessibility), CP7 (Infrastructure), CP8 (Environment –

insofar as it relates to wildlife, landscape and flood risk matters) of the Taunton Deane Core Strategy. Accordingly, it is considered to be sustainable development and any adverse impacts could not be seen to significantly and demonstrably outweigh the benefits arising from the development. It is considered that this outweighs the conflict with Policy CP8 of the Taunton Deane Core Strategy (insofar as it relates to development outside the settlement boundaries) making the development acceptable, in accordance with Policies SD1 (Presumption in Favour of Sustainable Development) and the National Planning Policy Framework, taken as a whole.

### **RECOMMENDED CONDITION(S) (if applicable)**

1. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 13115/1030A Location Plan

(A3) DrNo 13115/4010A Access and Movement Parameter Plan

(A1) DrNo 2016/130 New Highway Link

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No work shall commence on the development hereby permitted until the link road shown on Drawing No. 2016/130 has been provided in accordance with further details that have been submitted to and approved in writing by the Local Planning Authority beforehand.

Reason: To ensure that an acceptable means of access to the development is provided in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. Prior to the commencement of the development hereby permitted a surface

water drainage scheme for the site, based on sustainable drainage principles, together with a timetable for its implementation and details of how the scheme shall be maintained and managed after completion shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with Policy CP8 of the Taunton Deane Core Strategy and the National Planning Policy Framework.

5. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Ruskins submitted report, dated December 2012 and include:

- Further survey work to ensure that dormice are not present in the hedge boundaries;
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.
- Confirmation of the appointment of a suitably qualified Ecological clerk of works; and
- A Landscape and Ecological Management Plan.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for nesting birds and bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat tubes, accesses and boxes; and bird boxes and related accesses has been implemented.

Reason: To protect wildlife and their habitats from damage in accordance with Policy CP8 of the Taunton Deane Core Strategy and advice contained in the National Planning Policy Framework.

6. The details for layout submitted pursuant to condition (1) shall include a pedestrian/cycle linkage(s) between the site and the play area on the adjoining site to the west. The linkage shall be provided prior to the occupation of the 20<sup>th</sup> dwelling hereby permitted and shall thereafter be maintained as such.

Reason: To ensure that adequate access is provided from the development to the associated recreation areas in accordance with Policy CP6 of the Taunton Deane Core Strategy.

7. The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

The agreed details shall be implemented such that each dwelling shall be accessed by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway prior to its occupation.

Reason: To ensure that the dwellings are provided with an acceptable means of access and to ensure that the detailed design of the proposed estate roads is acceptable and contributes to a well designed estate in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. The applicant shall ensure that all construction vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commence of development, and thereafter maintained the completion of construction.

Reason: To in the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

Notes to Applicant

## **PROPOSAL**

This application seeks outline planning permission for the residential development of up to 71 dwellings on land to the north of Burges Lane, Wiveliscombe. Approval is sought for access at this stage, with appearance, landscaping, layout and scale reserved for subsequent consideration.

Access is proposed from a widened and realigned Burges Lane (the widening and realignment works already benefiting from a resolution to grant permission) and to a small extent from Heathstock Hill. Burges Lane would be widened and two new estate roads would be formed through T-junctions from this road into the site. Frontage development with private access points would also be provided from Burges Lane. From Heathstock Hill, access is indicated for 3 individual properties

behind a new footway and repositioned boundary hedge. There would be no access to the wider site from this point.

Whilst layout is a reserved matter, an illustrative masterplan has shown that the site could be laid out with dwellings arranged around an internal estate loop road in the eastern field, broadly following a 'perimeter block' principle. 3 dwellings would front Heathstock Hill on the eastern most part of the site. A car park could also be laid out to provide additional parking facilities for existing properties on Burges lane. In the western field, dwellings could be arranged around a cul-de-sac that would continue into the adjoining field to the north where allotments would be provided for this development and the adjoining development to the west. This would remove the need to provide allotments on the adjoining area of public open space and a greater area of that site could be given over to recreation and children's play to meet the needs of the adjoining and this development.

## **SITE DESCRIPTION AND HISTORY**

The site lies to the north of Wiveliscombe and currently comprises two agricultural fields. The site is generally flat at its western extent but rises to the northeast.

Burges Lane lies to the south, which has dwellings fronting it and facing the site along most of its length, with some side-on running back from the road to the south. At its eastern end, Burges Lane appears to have been 'cut-in' such that it is significantly below the level of the site, which is currently retained by a bank with hedgerow on top. Towards the western end of the site, the boundary hedgerow sits at level with the highway, with the eastern most extent being a stone boundary wall.

The east site boundary with Heathstock Hill is formed by a hedgerow directly on the back edge of the highway which rises steeply towards the north of the site. 4 dwellings sit on the opposite side of Heathstock Hill, accessed by private drives directly from the highway and all are set back, with the exception of Tor cottage which is built up to the highway edge.

The northern site boundary at its eastern end is defined by a hedgerow separating the site from an agricultural field beyond. The application site comprises only part of the western field, so the northern boundary is open at this point. The western site boundary is formed by a stone wall that separates the site from a public footpath and adjoining then the adjoining WV1 local plan housing allocation.

Land to the west was allocated for development in the Taunton Deane Local Plan, under Policy WV1. This site has recently secured a resolution to grant planning permission for 52 dwelling in two phases – applications 49/12/0052 and 49/13/0001. Before development can commence on phase 2 (49/13/0001) a link road needs to be built from the site through the current application site to Burges Lane, bypassing a narrow section of Style Road to the west of Golden Hill. Burges Lane must also be widened and the junction with Ford Road altered to improve visibility in the form also detailed in the current application. These works mean that when the permitted, adjoining development proceeds, the current site will be opened up to the west and Burges Lane will be widened, removing the hedgerow that currently exists along its northern edge.

Planning applications were made on this site in the early 1990s, and refused for

reasons that the site was outside the settlement limit, prejudicing the consideration of the Taunton Deane Local Plan and potentially intrusive in the landscape. The site has recently been consulted upon as a potential option for development and potential allocation through the forthcoming Site Allocations and Development Management Policies Plan (SADMPP).

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *WIVELISCOMBE TOWN COUNCIL -*

At the Wiveliscombe Town Council meeting held on the 15<sup>th</sup> April 2013, a debate took place involving members of the public regarding this application and the Wiveliscombe Town Council decided to object to this application for the following reasons:

- Sustainability issues: Pressures on school places, public transport services, Doctors surgery and employment need to be seriously considered.
- The development land is outside the current Wiveliscombe Town Boundary and therefore should not be treated as the Phase 3 of the Style Road development which is on land inside the boundary and already designated for housing in Taunton Deane's local plan.
- The application seems to be an opportunist attempt to pre-empt the new neighbourhood plan by seeking planning permission that represents 35% of the 200 houses expected in Wiveliscombe over the next 15 years (under the site allocations and development management plan (SADMPP) and therefore does not allow for emerging needs.
- Once the (SADMPP) consultations and the neighbourhood plans have been completed we will be in better position to know the type of housing the community requires and where it should be built.
- To focus so much of Wiveliscombe housing for the future on one large site would be a mistake and will lock our housing plans into the timescale of the developer. Smaller blocks of dwellings, perhaps bungalows, which meet the needs of the town and its developing population rather than the financial wishes of the developer. This would enhance Wiveliscombe as a place to live, rather than a place to move to.
- The provision of three dwellings exiting onto Heathstock Hill looks like a dangerous proposal even if the 30 mph limit is moved to the top of the hill.
- Environment issues: The application seems to have missed all the wildlife that lives in the area. Frogs, toads, newts, slow worms, dormice, nesting birds and badgers have been seen in the Heathstock Hill hedge which should be protected and not removed.
- If the Town Council is to support the Governments Localism Bill this

development must be refused until local people have their say in both the neighbourhood plan and site allocations and development management consultations.

*SCC - TRANSPORT DEVELOPMENT GROUP* – The Local Highway Authority's (LHA) detailed comments run to some 8 pages and are summarised as follows:

The submitted Transport Assessment has a number of shortcomings and detailed comments are provided on what these are and where the analysis falls below SCC's usual standards. However, the LHA is content that any concerns over traffic impact can be dealt with through the agreement of a robust travel plan as part of the S106 process.

The travel plan also currently falls short of the LHA's expectations. It is a similar document to that submitted for the adjoining phase 2 development and here it was agreed that the final detail could be agreed as part of the S106 process.

The development may affect existing highway drainage infrastructure, including an overflow pipe, which may discharge to an existing watercourse. The FRA will have to demonstrate that the development will not give rise to off-site flooding including potential for flooding from these historic drains. Ideally, the entire system should be re-planned in a comprehensive manner and the existing highway over-flow drains abandoned.

Although acknowledging that the application is made in outline, detailed estate roads comments have been provided based on the illustrative layout. Extensive guidance is given on the detail that will be required for certain aspects of the final layout, including road dimensions, parking provision and visibility splays.

The LHA has no objection in principle to the proposed link road, but, as with phase 2, is not yet satisfied with the level of detail that has been provided. A Grampian condition should, therefore, be imposed to require full submission of details prior to the commencement of any works on site. Information is provided about the level of detail that will be required in order to give a final approval to the proposed works. The link road works must be completed before the development is allowed to commence.

Taking the above into account, the LHA raise no objection to the proposed development and are satisfied that the shortcomings in the travel plan can be resolved following determination of the application.

Conditions should be imposed covering the following matters: Implementation of the link road and junction improvements in accordance with further details; installation of wheel washing facilities during construction; submission of a construction management plan; the gradient of the access should not exceed 1 in 10; surface water should not be allowed to discharge to the highway; full details of the estate road layout should be submitted for approval; the development should be laid out such that each dwelling is accessed by a properly constructed highway prior to occupation; private drives should not exceed 1 in 10; a network of cycleway and footpath connections should be submitted for approval; the parking areas should be properly marked out in accordance with further details.

*SCC - RIGHTS OF WAY* – No comments received.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* – No comments received.

*WESSEX WATER* – The proposal is adjacent to Wessex Water's Wiveliscombe Styles Sewage Treatment Works. Odour modelling for the adjacent site predicts the development to be outside of the 5 ou/m<sup>3</sup> radius and we have no further issues to raise on this matter. We are in broad agreement with the applicant's proposal for foul and surface water strategy but provide advice on foul and surface water drainage.

*DRAINAGE ENGINEER* – Refers to previous comments on the adjoining site (49/13/0001) and a number of outstanding concerns. No information has yet been submitted regarding details of the proposed attenuation and its maintenance regime. Concerns were also raised regarding ownership of the surface water system and whether an adequate outfall could be made to the adjoining watercourse.

I note that this is an outline application and requires that the above together with the following comments are made conditions of any approval should they be given.

No development approved by this application should be commenced until a surface water run-off limitation scheme has been submitted and approved by the Local Planning Authority. The submitted details shall clarify the intended ownership and maintenance provision for all drainage works serving the whole site and adjoining phased development. This should include details of the proposed sustainable drainage scheme for the site.

*HOUSING ENABLING* - The housing enabling lead supports this application based on need and the comments do not reflect the suitability of the site in terms of planning.

25% of the new housing should be in the form of affordable homes. The tenure split is 60% social rented 40% intermediate housing. The requirement is for house rather than flats. The houses should be predominately 2 and 3 bedrooms.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3 or meet any subsequent standard at the commencement of development.

The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

A local connection clause is to be included within the S106 agreement to prioritise the homes for local people.



*COMMUNITY LEISURE* – In accordance with Local Plan Policy C4, provision for play and active recreation should be made for the residents of these dwellings.

On site children’s play provision should be made for each 2 bed+ dwelling. The equipped children’s play space should be centrally located, overlooked and sited away from the main access road.

A contribution of £1,454 per dwelling should be made towards the provision of facilities for active outdoor recreation.

The “potential allotment” site is welcomed although to be viable it should consist of no less than 20 plots (5,800 sq. m). If this area cannot be achieved then a contribution of £194 per dwelling towards allotment provision should be sought.

A contribution of £1,118 per dwelling towards local community hall facilities, which are open to everyone and a focal point of community activities for all age groups in the community should also be sought to cope with the extra demand the development proposal would create.

A public art contribution should be requested, either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of 1% of the development costs.

*PLANNING POLICY* - The application site is situated outside the existing settlement limit in open countryside. Hence the proposal is counter to the adopted Taunton Deane Core Strategy policies CP8, SP1 and DM2. The site adjoins the settlement limit and has good levels of access to a range of services and facilities in Wiveliscombe, including primary and secondary schools, post office, children’s centre, community office, community centres, library, pharmacy, opticians, dentist, doctor’s surgery and local shops. The site is also well-related to transport infrastructure, a bus stop is within 400 metres for an hourly service to Taunton. Wivvy Link also offers a service for those without access to private transport.

Wiveliscombe is identified as a Major Rural Centre in the adopted Taunton Deane Core Strategy. The Policy SP1 identifies requirements for up to 200 dwellings to be accommodated over the period up to 2028. In line with the adopted TDBC Core Strategy, new housing development at the major rural centres will include an appropriate balance of market and affordable housing together with some employment provision. The application for 71 dwellings with 25% affordable housing in line with adopted Core Strategy Policy CP4 and proportionate with the settlement hierarchy established for Major Rural Centres.

Following the adoption of the Taunton Deane Core Strategy in September 2012, the Council is in the process of progressing the Site Allocations and Development Management Policies Plan (SADMPP). The Council published an Issues and Options document for the SADMPP in January 2013 and a public consultation event took place in Wiveliscombe on the 13<sup>th</sup> of February 2013. This site has been proposed as a potential allocation together with 8 other sites and is being considered through this process. Not all sites will be needed and given that the SADMPP will be subject to extensive community engagement prior to adoption it

would seem preferable to see this proposal advanced through the SADMPP rather than coming forward in advance of the Plan-led process. Wiveliscombe is in the early stages of producing a Neighbourhood Plan which may chose to allocate sites, therefore this application also pre-empts that process.

SADMPP representations included support for the site and also objections on grounds of hazardous highways and rainwater run-off.

Whilst the application is currently contrary to Policy the site has met the higher assessment criteria for consideration through the SADMPP, though it is yet subject to the general criteria assessment. Development could assist with the delivery of the proposed road in the TDBC Local Plan Policy WV1. The application could meet a proportion of the housing requirements for the Major Rural Centre.

*LANDSCAPE* – Other than the illustrative framework plan, there is no detailed landscape plan. From the illustrative plan above, my main concerns are: sub-optimal northern boundary treatment; several properties are very close to the existing hedgerows; and the north-south existing hedgerow is within back gardens and will be difficult to maintain as a consistent hedgerow given the complexity of ownerships. The area to the north of the site is shown as green but it is not clear whether this will be used as amenity space.

*BIODIVERSITY* – Refers to comments made in respect of earlier applications on adjoining land (49/12/0052 and 49/13/0001). The main concerns are breaching the boundary hedgerow between this site and those earlier sites to make way for the new access road. There is no certainty that dormice will not be affected by these proposals.

*SCC - CHIEF EDUCATION OFFICER* - The Deane's Site Allocations and Development Management Plan makes provision for about 150 additional dwellings over and above those required by the Local Plan. This number of dwellings would equate to 30 primary school places. Wiveliscombe Primary School has a capacity of 240, with a roll of 221 and a forecast roll rising to 233, Any existing spare places will also be likely to be required in the context of the other housing schemes proposed under the Local Plan and which are the subject of current planning applications.

It would therefore be appropriate to seek financial contributions in the context of all new additional development to mitigate the extra pressure on school places. This development of 71 dwellings would equate to 14 primary school places; with a cost per place of £12,257. Total contributions for primary school accommodation that should be sought through S.106 of the Act would therefore be £171,598.

A development of 71 dwellings would create the requirement for ten secondary school places. The Net Capacity of Kingsmead school is currently 735. The new science block will, we understand, increase the capacity to 800, but the existing roll already exceeds this, and forecasts rise to 831 by 2015, without taking into account any new development. The school will therefore be unable to cater for the additional pupils from this development without further enhancing its accommodation; and the school will come under increased pressure in the future when the current large primary school population moves up to the secondary tier. The capital cost of a

secondary school place is £18,469, so the total contribution would amount to £184,690.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* – No comments received.

*HERITAGE* - There are no designated heritage assets within the proposed development site.

Tor House, a Grade II listed building, is on the south-east edge of the site, close to the junction of Burges Lane and Heathstock Hill. The nearest proposed dwelling would be approximately 20m from the west end of this listed building but separated by Heathstock Hill. The principal elevation of Tor House faces south and there is no obvious inter-relationship between this listed building and the proposed development land, which is outside of its curtilage. While the proposed scheme can in no way be seen as enhancing the setting of Tor House, it is difficult to make a case that the development would compromise the significance of the listed building to a damaging degree. The impact could be lessened by a suitable planting scheme here.

The proposed development is outside of Wiveliscombe Conservation Area and would not impact on its setting.

*PARKS* – Need to ensure provision for play and open space is provided. No areas seem to have been identified on the plan.

*POLICE ARCHITECTURAL LIAISON OFFICER* – No comments received.

*SCC - FLOOD RISK MANAGER* – No comments received.

*ENVIRONMENT AGENCY* – No objection, subject to conditions requiring the submission of a surface water drainage scheme; a separation of 5m from built development to adjoining water courses; and submission of a foul drainage scheme.

Recommends informatives providing advice on the responsibilities of riparian owners, maintenance to water courses, the design and maintenance of SUDS and the prevention of pollution.

*DIVERSIONS ORDER OFFICER* – The proposed access to the site crosses the public footpath WG15/5, part of the Council sponsored West Deane Way.

Subject to planning permissions for application 49/13/0015, a further consent will be required from SCC for change of surface at the proposed access point.

## Representations

### Somerset Wildlife Trust:

Fully support the recommendations of the Biodiversity Officer in respect of preservation of habitat and subsequent enhancements. Also request that any landscaping scheme should only use native species of plants and that any lighting schemes should be designed so as to minimise light spillage and pollution. There should also be significant provision of bird and bat boxes.

1 letter of COMMENT has been received, accepting the principle of new housing but making the following comments:

- There have been many near accidents and the plans do not seem to show any extra visibility at the junction of Burges Lane and Ford Road.
- Extra parking should also be shown for existing residents.

11 letters of OBJECTION/CONCERN raising the following comments:

- Wiveliscombe does not require additional housing and not of this type.
- The land has always been outside the settlement boundary – query why this has changed.
- Query why so many dwellings are proposed. The high density is disappointing and inappropriate for a town of this size or alongside open farmland.
- The development will damage the character of the town and place an enormous strain on the town's facilities without contributing to the wealth and prosperity of the community.
- Burges Lane provides a defining edge between Wiveliscombe and the countryside beyond. It is a nice quiet part of town. A housing estate on the land opposite will result in urban type sprawl. Housing on the rising land to the east will be overpowering and dominate the surrounding area.
- The development would dominate views from Golden Hill.
- The proposals are typically suburban and have no sense of place or relationship to Wiveliscombe. The layout neither has a rural feel nor the dense nature of Wiveliscombe centre.
- The proposed road system will be totally inadequate for the increase in traffic and create an unsafe environment.
- This type of housing should be situated in larger towns that have the services to cope.
- The suggestion that employment would be created is ludicrous as this would only be for the duration of the build.
- Putting so many social houses on the site will not bring prosperity to the town.
- Wiveliscombe does not have the amenities to offer in the way of recreation for young people.
- The change in the road layout will encourage more and faster traffic.
- The splay at the junction with Ford Road is pointless because of the comparative bottle-neck it will cause heading towards Ford.
- Traffic calming is required on Burges Lane.
- The doctors surgery and schools are already at capacity.
- When development was mooted in the past, the proximity of the sewage

works made them unacceptable – has that changed.

- The area was named as an Area of Outstanding Natural Beauty. Query whether that has changed.
- A single house has recently been rejected close to Wiveliscombe.
- The outlook from Wellington Terrace will change and light will be affected and, therefore, well being. If development proceeds, dwellings should be set back from the edge of Burges Lane.
- Parking outside Wellington Terrace may no longer be possible. Provision of 14 spaces for Burges Lane residents may be insufficient and the spaces may be used by new rather than existing residents.
- Burges Lane has many children walking and cycling on their way to school as well as people pushing prams.
- Significant areas of habitat will be lost – the hedgerow along Burges Lane would appear to be species rich and no provision is made for replacement.
- The beautiful hedgerows will have to be destroyed. These are important habitats for plants and wildlife. A similar hedge should be planted if the development goes ahead as this is important for the residents of Burges Lane.
- The semi-improved grassland is also an important feeding ground for many species of birds, bats and associated invertebrates.
- There are Lesser Horseshoe Bats roosting at the old brewery site. Hedges are some of the nearest feeding areas.
- No individual garages appear to be shown on the outline plan – this is a retrograde step as garages provide necessary storage space.
- The proposed pair of homes opposite 1 Masons Square are too close to the edge of Burges Lane and should be moved back to be more in alignment with 3 Style Road. The parking spaces are also too close as there is not adequate space in the lane.
- To state that there is already a nearby open space on the Style Road site seems to be an excuse to increase the density on this land. More open space provision should be made on this site and could include allotments, play areas, cycle tracks or a community orchard.
- Access from Heathstock Hill may not be appropriate due to the visibility.
- The proposal does not appear to come up to the standard set by West of England Developments or the neighbouring site and more in-depth work needs to be done. The development would not blend in with this development or the town and needs reconsidering.
- Query whether there would be an increase in flood risk.
- Query whether there would be any offsetting of carbon used in the construction.
- Hope that the buildings would be of the highest environmental standards.
- Understand that replacement parking provision will be made for Burges Lane residents, but wonder how this will be controlled.
- The security of existing dwellings opposite would be undermined.

## **PLANNING POLICIES**

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,

CP1 - TD CORE STRAT. CLIMATE CHANGE,

CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,

CP7 - TD CORE STRATEGY - INFRASTRUCTURE,

CP8 - CP 8 ENVIRONMENT,

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,  
CP4 - TD CORE STRATEGY - HOUSING,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **LOCAL FINANCE CONSIDERATIONS**

The development of this site would result in payment to the Council of the New Homes Bonus.

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£81,654
Somerset County Council (Upper Tier Authority)	£20,413

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£489,923
Somerset County Council (Upper Tier Authority)	£112,481

## **DETERMINING ISSUES AND CONSIDERATIONS**

The starting point for making any decision on a planning application is the development plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Relevant policies of the development plan are set out above and decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

The first section of this report considers the principle of the development in relation to the development plan and then considers other relevant material considerations that relate to the principle of the development. The following sections of the report relate to other material considerations that need to be considered in reaching a decision on the application. The report concludes by summarising those material considerations and making a judgement on the sustainability of the proposed development, relating those findings back to the high level principles in the opening section.

The main issues, and structure of the report, for the consideration of this application are:

1. The principle of development and planning policy context
2. The impact on the highway network
3. The impact on wildlife
4. The indicative form of development and its relationship with existing dwellings and the wider settlement
5. The impact on (and provision of) community infrastructure and open space and accessibility to those facilities
6. Other material considerations; and
7. Taking all of the above into account, whether the development is likely to be 'sustainable' within the meaning of the Core Strategy and National Planning

## Policy Framework.

### 1. The principle of development and planning policy context

The application site is outside any development boundary. In this regard, the development is contrary to Policy CP8 of the Taunton Deane Core Strategy, which seeks to resist development outside identified settlement limits.

However, the Core Strategy (Policy CP4) also provides for significant additional development in Taunton Deane, requiring the provision of an additional 17,000 homes (at least) over the plan period. Wiveliscombe is identified in the plan as a 'Major Rural Centre' and Policy SP1 indicates that such settlements will include allocations of up to 200 new net additional dwellings, to be made through the Site Allocations and Development Management Policies Plan (SADMPP).

The SADMPP is currently at an early stage of preparation, with consultation on 'issues and options' having closed on 7<sup>th</sup> March. At the present time, until this plan has reached a more advanced stage, it is considered that the development plan is silent on the matter of where any further sites will be identified. What is certain is that there will need to be a review of current settlement limits (as shown on the retained proposals maps) to accommodate the required dwellings. Whilst the development is, therefore, in technical conflict with the development plan in that it proposes development outside the settlement limits, it cannot be accepted that further allocations in Wiveliscombe beyond settlement boundaries will not be required. Paragraph 14 of the NPPF states that where the development plan is absent or silent, or the relevant policies are out-of-date, then planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The Town Council have raised concerns based on prematurity and the fact that permission is sought prior to the completion of the SADMPP and neighbourhood planning process. However, this site will not meet all of Wiveliscombe's development needs over the plan period and therefore, if the site can be found to be sustainable, it is considered likely that it would come forward as part of that process and unlikely to prejudice the long term planning of the town. In that context, it is considered that issues of prematurity should be given little weight.

In terms of the principle of the development, therefore, it can be seen that there is a conflict with the development plan in that the site is outside the settlement limit. However, the weight of this technical conflict is reduced given the amount of development that the plan envisages for Wiveliscombe and that this will, undoubtedly, involve presently unallocated sites outside the plan. Precisely where this development will be accommodated is a job for the SADMPP and until this is in place, the development plan remains silent on this matter. The NPPF is a weighty material consideration and confirms that where relevant parts of the plan are silent, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This so-called 'presumption in favour of sustainable development' is echoed by Policy SD1 of the adopted core strategy and together with the NPPF carries such weight as to leave a presumption in favour of granting permission, in principle, provided that it can be

shown to be sustainable. Such will be considered through an assessment of other material considerations, through the remainder of this report.

## 2. The impact on the highway network

The application proposes to access the site from a widened Burges Lane that incorporates a new junction with Ford Road and via a new stretch of link road from Style Road passing through the adjoining development that benefits from a resolution to grant permission.

The widening of Burges Lane and link to Style Road has already been considered acceptable through the assessment of application 49/13/0001 and there is, therefore, no objection to these works. The Highway Authority have confirmed that with the road improvements proposed, the local highway network is capable of accommodating any increase in traffic likely to result from the proposed development. It is likely that the adjoining development, known as phases 1 and 2, will commence ahead of works on this site and the corresponding highway works delivered. However, in order to safeguard against that eventuality not occurring, a condition must also be attached to any planning permission that no other development commences ahead of those works taking place.

This development also proposes 3 private points of access directly from Heathstock Hill. For the reasons given in section 5, this is considered to provide the best solution for integrating the development into the surrounding townscape. Concerns have been expressed by some local residents and the Parish Council over the safety of such accesses, but the Highway Authority have not objected and, given the benefits in terms of the form of development, it is considered that these access points should be approved.

Concern has also been expressed about a reduction in parking along Burges Lane. Existing residents on both Burges Lane and Golden Hill currently park along the highway at this point and the introduction of new dwellings accessed directly from the northern side of the road will undoubtedly reduce the on-street parking capacity in this area. In response to this, the application proposes to provide replacement parking provision for existing residents within the application site. The illustrative masterplan suggests that this could be up to 14 spaces and it is considered that this would adequately compensate for any loss of parking spaces.

The Highway Authority have recommended a number of conditions. It has already been discussed that the new link road should be provided prior to the commencement of development, and it is considered reasonable to impose conditions regarding the timing of highway works in relation to occupation and the provision of wheel washing facilities. However, given that this is an outline application and layout is reserved for subsequent consideration, it is not considered necessary to impose conditions relating to site levels and gradients nor a specific condition relating to the provision of pedestrian and cycle networks. Drainage details can be covered in a site-wide drainage condition and the reserved matters will demonstrate how parking areas will be laid out. Phases 1 and 2 did not require the submission of a construction management plan and it is not considered necessary to impose one here, especially given that such matters as the timings of delivery and routes for construction vehicles are notoriously difficult to enforce.



With regard to the above, the proposal is considered to have an acceptable impact on the highway network.

### 3. The impact on wildlife

The submitted wildlife report indicates that the boundary hedgerows are species poor due to their intensive agricultural management. The report indicates that there is no evidence of European protected species using the site and, therefore, no licence would be required from Natural England to carry out the development.

Based on historic survey's the Biodiversity Officer has raised concern about the potential for Dormice in the western site boundary hedge which will have to be breached in order to make way for the new link road to Burges Lane. However, given that this is at the southern end of the hedgerow network and does not connect to the wider network, it is considered unlikely that protected species would be affected by the proposals – in accordance with the submitted ecology report – and that detailed mitigation to ensure that this is the case can appropriately be secured by condition in this case.

In light of the reports findings, the impact on wildlife is considered to be acceptable.

### 4. The indicative form of development and its relationship with existing dwellings and the wider settlement

The proposed development will extend the existing settlement to the north, replacing agricultural fields with development. Such will clearly change the character of the immediately adjoining area. However, given that further development is acceptable in principle, it must then be assessed whether development of this site would be capable of integrating acceptably into the existing townscape.

The proposal seeks to place new frontage development on the northern side of Burges Lane, fronting the existing development opposite. This is considered to be the best possible relationship in terms of creating a well designed scheme that will deliver a sense of place – albeit a different place to that which currently exists.

Illustrative plans suggest that where the proposed link road swings into the site and forms a junction with the existing road, a new 'square' would be created with dwellings fronting onto the area to form good enclosure. This type of intimate urban form is characteristic of much of Wiveliscombe and particularly the areas surrounding Golden Hill immediately to the west of this location. Subject to detailed design, this solution is considered to be appropriate for this area.

On the eastern site boundary, it is proposed to make three new access points from Heathstock Hill to serve individual properties. On the opposite side of the road, there are a number of existing individual dwellings accessed from the highway in this way and it is considered that this design solution will present a soft edge to the development in a way that allows it to relate well to the existing built form around it. The alternative, would be retaining the existing boundary in its current form and setting dwellings behind it. The result of that would be a development that did not respond to the existing public realm on the eastern side of the site and would create an approach to Wiveliscombe characterised by back gardens and new development

that felt disconnected from the Town. The low density along the eastern edge that would result from this suggested layout would also mean that development was more spread out on this highest part of the site.

The new dwellings served from Heathstock Hill propose a new length of footway along the western edge of the highway and this would in turn require the hedge to be set back and re-planted within the site. Again, the resulting slightly widened Heathstock Hill would change slightly in character, but it would as a matter of fact become the edge of town as a result of the development and would merely continue the footway for a further 80m from its current termination at Burges Lane. This would also be of benefit to those wishing to walk to the existing dwellings on Heathstock Hill and beyond. Taken in the round, it is considered that the approach to Heathstock Hill presented in the application is the best and most sympathetic way to integrate the development into the existing townscape and, once the new hedgerows have properly established, will create a development that feels part of Wiveliscombe.

Further into the development the form of development suggested by the illustrative plan would generally follow the principles recently established on the adjoining site to the west. In the eastern field, development would be laid out around a loop road, in a perimeter block fashion, that should be capable of delivering a good quality residential environment. In the western field, the estate road would be on a cul-de-sac principle, that continues to give access to the field to the north which will partly remain in agricultural use, but will also partly be given over to allotments.

A footpath is shown along the northern edge of this part of the development to connect to the existing public right of way to the west and on to the public open space permitted as part of the phase 1 and 2 developments. As such, good access would be possible to this public open space and the development will integrate well into the surrounding townscape.

Parts of the site would be visible as one walks from the town down Golden Hill towards the site. From here, elevated views are possible out across the open countryside beyond the site. Interestingly, most of the views from Golden Hill are of the land beyond the proposed residential development, the main part only coming into view on the lower reaches of the hill. It is, therefore, considered that the connection that the town has with the open countryside to the north will not be significantly undermined by development in the form shown.

#### 5. The impact on (and provision of) community infrastructure and open space and accessibility to those facilities

The capacity of Wiveliscombe Primary School will be exceeded by this proposed development; Kingsmead (secondary) School is already over capacity. The applicant has, therefore, agreed to make the County Council's requested contributions to expand pupil capacity in full in order to accommodate the anticipated additional demand. Contributions have also been agreed to improve facilities for active outdoor recreation and community halls in accordance with your Leisure Development Officer's requests.

The development does not propose any on-site children's play facilities. Instead, your officer's have agreed that the best solution in this instance is to further develop

the large facility permitted on the adjoining site, with additional equipment. It has also been agreed that the allotment provision previously indicated within the adjoining site's open space would be re-provided on land to the north of the current application site, in addition to the allotment requirement for this site. This would free-up space within the recreation area, and allow for better facilities to be provided on that adjoining land. At most, the furthest dwellings would be only marginally beyond the recommended 400m distance to children's play facilities and this is considered to be acceptable, given the better facilities that can be provided as a consequence.

Taking the above into account, it is considered that the impact on and provision of community infrastructure is acceptable in this instance.

## 6. Other relevant material considerations

The site is in flood zone 1 – the lowest risk. The development proposes to drain to a SUDS system incorporating a balancing pond on the adjoining site to the west. The Environment Agency are happy with these proposals, subject to the imposition of conditions to secure additional information. The Council's Drainage Officer, whilst noting that further information would be desirable is also content with the proposals, subject to conditions being imposed. In light of this, it is considered that the site can be acceptably drained and will not lead to any increase in off-site flooding.

The site adjoins Wessex Water's sewage treatment works (STW), which lie just off the northwest boundary. An odour assessment has, therefore, been submitted with the application and this has confirmed that, whilst odour may be periodically detected at some of the dwellings, this would not be at a level that would cause an unacceptable impact. Environmental Health officers and Wessex Water are content that development can proceed without being unduly affected by odour from the STW.

## 7. Taking all of the above into account, whether the development is likely to be 'sustainable' within the meaning of the Core Strategy and National Planning Policy Framework.

The opening section of this report sets out the appropriate policy tests for assessing this application. In accordance with Policy SD1 of the Core Strategy and paragraph 14 of the NPPF, it is considered that the presumption in favour of sustainable development applies, i.e. permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The subsequent consideration of material considerations has demonstrated that the site can be developed without any significant harm to the highway network or wildlife interests. Adequate provision is made for community infrastructure and the development will integrate well into the existing townscape. There are, therefore, considered to be no significant adverse impacts to weigh against the benefits of providing additional dwellings in a location that the Core Strategy proposes additional housing growth.

The proposal is, therefore, considered to be acceptable and it is recommended that

planning permission is granted.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

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